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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,883	01/10/2000	SCOTT T. ALLAN	A-65188-1/TO	4877

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EXAMINER

RUDY, ANDREW J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/480,883

Applicant(s)

ALLAN ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9-11,13,14,21-27 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9-11,13,14,21-27,29-32 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 33 and 34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3, 4, 9-11, 13, 14, 21-27 and 29-37 are pending.

Election/Restrictions

2. Newly submitted claims 33 and 34 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Each claim would be classified in a separate class/subclass which would require further search/consideration and would present an additional burden upon the Examiner.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 33 and 34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

4. Claims 1, 3, 4, 9-11, 23, 27, 32 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzi, US 5,739,512 in view of Kapp et al., US 5,195,133.

Applicant is directed to the previous Office Action, paragraph 4, for the body of the rejection noted above. Applicant's REMARKS have been reviewed, but are not convincing. Tognazzi, in view of Kapp, allow for first and second electronic record transactions, i.e. digital delivery of a plurality of receipts. Inherently, there may be a plurality of signatures associated with the plurality of receipts. These signatures need not be in any ordered manner to fully encompass Applicant's claim language (it is noted that no sequence of steps is required by the claim language). The signatures of Tognazzi and Kapp are "user-viewable" in broad scope and content. Applicant has not provided any line of demarcation that proffers otherwise. The additional claims, e.g. claims 32 and 35-37, presented are fully illustrated by Tognazzi, as modified by Kapp. It is further noted that common knowledge that was notorious prior to the filing date of the instant invention, e.g. using different credit instruments and having various transactions occur at various merchants point-of-sale devices by various users, would have been obvious to add to the systems of Tognazzi, as modified by Kapp.

5. Claims 1, 3, 4, 9-11, 22-27, 29-32 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzi, US 5,739,512 in view of Francini et al., EPO 0 474 360.

Applicant is directed to the previous Office Action, paragraph 5, for the body of the rejection noted above. Applicant's REMARKS have been reviewed, but are not convincing. Francini's signatures are "user-viewable" in broad scope and content. Contrary to Applicant's assertion, Tognazzi's records may be retrieved.

The function of “downloading, printing, faxing and e-mailing a copy of an electronic record and having an electronic record as proof of a transaction is notoriously old within the art and to have provided such would have been obvious for one of ordinary skill in the art. The motivation for doing such would have been the age-old solution of to have provided complete records for business record keeping purposes.

6. Claims 13, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzi, US 5,739,512 in view of Francini et al., EPO 0 474 360, as applied to claim 1 above, and further in view of Kobayashi et al., US 5,864,825.

Applicant is directed to the previous Office Action, paragraph 6, for the body of the rejection noted above. Applicant’s REMARKS have been reviewed, but are not convincing. Kobayashi’s signatures are “user-viewable” in broad scope and content. The art is not deemed to be isolated from each other. The motivation is deemed obvious as providing well-known business records and having access thereto.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 29, 30-32 and 35-37 rejected under 35 U.S.C. 102(b) as being anticipated by Nair et al., US 5,479,530 or Park et al., US 6,039,248.

Applicant is directed toward the entire disclosure of Nair, e.g. Fig. 33, where a plurality of transactions are electronically captured. The electronic records are deemed user-viewable.

Regarding Park, Applicant is directed toward the entire disclosure, e.g. Abstract and cols. 27-67, where a plurality of transactions are electronically captured. The electronic records are deemed user-viewable.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3627

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lynda Jasmin** whose telephone number 703-305-0465. The examiner can normally be reached on Monday thru Friday, 8:00 a.m until 5:30 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Joseph Fudy

July 9, 2004

703-308-7808